

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

COMPLAINT

TO: THE HONORABLE MARIANNE B. BOWLER

I, Aloke Chakravarty, being duly sworn, depose and state that I am an Assistant United States Attorney for the District of Massachusetts, and charge, on information and belief, as follows:

1. That, in the above matter, I act for and on behalf of the Government of Canada.

That extradition provisions in force between the United States and Canada are found in the Treaty on Extradition between the United States of America and Canada, signed at Washington, DC, on December 3, 1971 (27 UST 983; TIAS 8237), and amended by an exchange of notes signed at Washington, DC, on June 28 and July 9, 1974, and further amended by Protocol signed at Ottawa on January 11, 1988 (1853 UNTS 407) (together referred to herein as "the Treaty").

2. One Gregory Allan Despres is duly and legally charged with having committed the following crimes in Canada: (1) unlawfully failing to attend court on April 25, 2005 at Burton, New Brunswick, Canada, as required by the Judge of the Provincial Court, in violation of Section 145(2)(b) of the Criminal Code of

Canada; (2) on April 24, 2005, committing first degree murder on the person of Frederick Franklin Fulton, in violation of Sections 229(a) and 235(1) of the Criminal Code of Canada; and (3) on April 24, 2005, committing first degree murder on the person of Veronica Decarie, in violation of Sections 229(a) and 235(1) of the Criminal Code of Canada, and for sentencing for two offenses for which Gregory Allan Despres has been previously convicted, which are: (a) committing an Assault on Frederick Mowat, on August 21, 2004 threatening to use a weapon, to wit: a knife, in violation of Section 267(a) of the Canadian Criminal Code and (b) uttering a threat to Frederick Mowat on August 21, 2004 to cause death or bodily harm to him, in violation of Section 264.1(2) (b) Canadian Criminal Code; all in the jurisdiction of New Brunswick, Canada; and that warrants for the arrest of Gregory Allan Despres were issued: on April 27, 2005 for a charge of failing to appear in court as described above (Count 1), and on April 29, 2005, for the murders described above (Counts 2 and 3), all by a Judge of the Provincial Court of the Province of New Brunswick, Canada.

3. I am informed through diplomatic channels that the offenses were committed between August 21, 2004 and April 25, 2005, when on or about April 24, 2005, Gregory Allan Despres caused the deaths of Frederick Franklin Fulton and Veronica Decarie, meaning to so cause or to cause bodily harm that he knew was likely cause death and was reckless whether death ensued or not; and when, Gregory Allan Despres failed to attend a Provincial Court in New Brunswick, Canada on April 25, 2005 after

appearing before the Provincial Court Judge on March 16, 2005, and being ordered to so appear for purposes of sentencing for offenses committed on August 21, 2004, to wit: committing an assault on Frederick Mowat using a weapon, a knife, and uttering a threat to Frederick Mowat to cause death or bodily harm to Frederick Mowat;

4. A copy of the request for provisional arrest and the factual basis for the underlying criminal charges in Canada are attached hereto as Exhibit A, a summary of which follows.

5. Investigators believe that on April 24, 2005, Gregory Allan Despres killed Frederick Fulton and Veronica Decarie at their residence in the village of Minto, New Brunswick. Canadian authorities believe that in the early morning hours, Despres forcibly entered the residence and stabbed Fulton and Decarie in the bedroom. It then appears that Fulton fled to the bathroom and used the door as a shield. Eventually, Fulton made an attempt to escape from the residence, but investigators believe he was caught on the porch, hauled back into the kitchen, where the attack concluded. The investigation revealed that the decapitated body of Frederick Fulton was found on the kitchen floor of his residence on April 26, 2005 by his daughter, Debbie Mowatt.

6. Neighbors, alerted by the reaction of Debbie Mowatt, summoned police assistance. Members of the Royal Canadian Mounted Police (RCMP) responded to the request and observed the bodies of Frederick Fulton and his female companion, Veronica Decarie, along with copious amounts of what appeared to be blood

around the bodies and throughout the house. Mr. Fulton's head was located in a pillow case under a table in the kitchen of the residence. Autopsies performed on the remains of the deceased indicate that the time of death for both individuals was between 7:00 p.m. on April 23, 2005 to 3:30 a.m. on April 24, 2005.

7. The Subject of this Complaint, Gregory Allan Despres, was the neighbor of the deceased. Relations between the accused and Frederick Fulton, including members of Mr. Fulton's family, had been the object of conflict and violence prior to the time of the murders of Mr. Fulton and Ms. Decarie. On previous occasions, members of the RCMP had attended the victims' residence in response to complaints as to the behavior of Mr. Despres toward the victims and their family. Mr. Despres had been convicted of assault with a weapon and uttering death threats in the Provincial Court of New Brunswick for an August 21, 2004 incident involving Despres and Mr. Fulton's son-in-law, Frederick Mowatt. Mr. Despres was scheduled to appear in provincial court for sentencing for those offenses on April 25, 2005.

8. On April 24, 2005, a neighbor noticed that Mr. Fulton's automobile was not in the driveway of his home. That automobile was subsequently discovered in a gravel pit along Route 3, a highway leading toward the United States border. A man fitting the description of Mr. Despres was observed to be hitchhiking on Route 3 in the direction of the United States border, and was picked up and driven part of the way there by a

passerby named Greg Harnish. The hitchhiker was carrying a chainsaw attached to a backpack. On April 25, 2005, a man fitting the description of Mr. Despres and carrying a chainsaw was again observed by several people walking in St. Stephen, Canada (the city across the border from the United States at Calais, Maine). The individual was wearing a poncho and a type of backpack on his shoulder while carrying a chainsaw and a motorcycle helmet. One of the observers, Donald Phillips, saw the man change his trousers in the rear of the business premises, discarding the pair of trousers he had removed in a shopping cart. Mr. Phillips subsequently retrieved the trousers and transferred them to the RCMP. The trousers are stained with what appears to be blood.

9. On April 25, 2005, at approximately 10:00 a.m., an individual identifying himself as Gregory Despres and appearing to be the subject of this Complaint, entered the United States at Calais, Maine. At the time, Despres was wearing a poncho and a backpack containing several weapons, a homemade sword which appears to be made of aluminum with a wooden handle, a hatchet, a knife, two homemade brass knuckles apparently made of aluminum, and one container of pepper spray. Mr. Despres was also carrying a motorcycle helmet and a chainsaw which was spotted with what appeared to be blood. U.S. Customs and Border Protection officers seized these items, and fingerprinted Mr. Despres. Mr. Despres claimed to be in the United States military. After seizure of these items, and without awareness of the homicide in

Minto, New Brunswick, Canadian and U.S. authorities released Mr. Despres. In the following time period, Canadian and U.S. authorities were notified that Mr. Despres was wanted for the homicides in Canada.

10. On April 27, 2005, Mr. Despres was arrested in Mattapoisett, Massachusetts by the Mattapoisett Police Department as a fugitive from justice. At the time, numerous items were seized from Mr. Despres. One of the items seized were Mr. Despres' boots, which appear to be similar to impressions left on the front door of the residence in which Frederick Fulton resided in Minto.

11. Gregory Allan Despres fled outside the boundaries of Canada, and is within the United States, and may be found at the Plymouth County House of Corrections, Plymouth, Massachusetts, within the jurisdiction of this Court.

12. Gregory Allan Despres, believed to be a naturalized citizen of the United States, was born on June 19, 1982, in Minto, New Brunswick, Canada, and is described as being a Caucasian male, approximately five feet, two inches tall, weighing approximately 59 kilograms, with brown eyes, brown hair, and a tattoo of a swastika on his lower back, photographs of subject are attached as Exhibit B.

13. Gregory Allan Despres is charged with having committed in Canada are among the offenses enumerated in Article 2 of the treaty or extradition between the United States and Canada as amended and in force. Article 2 of that treaty defines

extraditable offenses as those punishable under the laws of both countries by imprisonment for more than one year or any greater punishment. The conduct in question is punishable in both countries by greater than one year of imprisonment. See 18 U.S.C. §1111; 18 U.S.C. §1073; M.G.L. c. 265 §1; M.G.L. c. 265 §13A; Criminal Code of Canada, §§ 229, 234, 267, 264, 145.

14. The immediate arrest of Gregory Allan Despres pending receipt of a regular diplomatic request for extradition, with accompanying documents, is covered under Article 2 and Article 11 of The Treaty providing for provisional arrest.

15. I am informed through diplomatic channels that a regular diplomatic request for the extradition of the said Gregory Allan Despres will be made in conformity with said treaty, and the complete papers upon which the demand for extradition is founded will be presented within 60 days as required by Articles 9 and 11 of said treaty.

WHEREUPON, Your complainant requests that a warrant be issued, pursuant to Title 18, United States Code, Section 3184, for the arrest of Gregory Allan Despres; that he be brought before this Court and the evidence of criminality heard; and, that if on such hearing the Court deems the evidence sufficient under the provisions of the treaty to sustain the charges, the Court certify the same to the Secretary of State in order that a warrant may issue for the surrender of the said Gregory Allan Despres, to the appropriate authorities of Canada, according to the stipulations of the treaty; and for such other actions as the

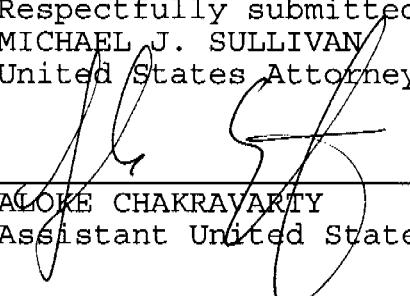
Court at the time may be required to take under the provisions of the treaty and the laws of the United States.

Your complainant further requests that to prevent the flight of Gregory Allan Despres before his arrest and to avoid compromise of the ongoing investigation into the homicides in Canada, the Court order this complaint and all other documents related to this matter sealed until further order of the Court.

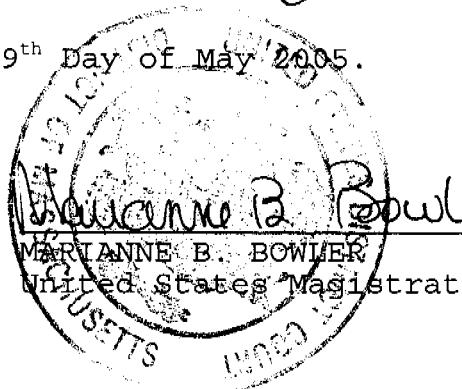
DATED at Boston, this 9th day of May, 2005.

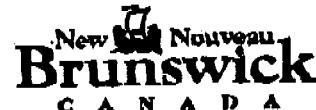
Respectfully submitted,
MICHAEL J. SULLIVAN
United States Attorney

By:


ALOK CHAKRAVARTY
Assistant United States Attorney

Sworn to before me this 9th Day of May 2005.





May 2, 2005

David Plourde, Counsel
International Assistance Group
Federal Prosecution Service
Department of Justice Canada
2258-284 Wellington Street
Ottawa, Ontario
K1A 0H8

Mr. Plourde:

Re: Gregory Allan Despres

The Attorney General for the Province of New Brunswick hereby requests the provisional arrest of Gregory Allan Despres.

Information to Obtain Provisional Arrest Warrant

1. The present request is made by J. George Chiasson, Q.C., Assistant Director of Public Prosecutions, as agent for the Attorney General for the Province of New Brunswick.
2. The date of the present application is May 2, 2005.
3. The subject is:
 - a) name: Gregory Allan Despres
 - b) birth date: 1982/06/19
age 22
place of birth is Minto, New Brunswick, Canada
 - c) citizenship: Canadian and naturalized American
 - d) description: male adult
height: 5'2"
weight: 59 kgs
eyes: brown
hair: brown
mark: tattoo in lower back
 - e) photographs are enclosed and identified as Document numbers 1, 2 and 3.
 - f) presently the subject is under arrest in Melrose, Massachusetts, U.S.A.
4. If provisionally arrested, the Attorney General for New Brunswick will request the extradition of the subject within 60 days.
5. Presently the subject is wanted in Canada (New Brunswick) for sentencing, to face charges of failure to attend court, and two charges of first degree murder on the persons of Frederick Franklin Fulton and Veronica Desarie.

P.O. Box 5000
Fredericton
New Brunswick
Canada E3B 5H1

Case postal 0000
Fredericton
New Brunswick
Canada E3B 5H1

5. List of offences for which subject was found guilty and is subject to sentencing:

s. 267(a) C.C.C. - Assault with a weapon summary conviction liable for imprisonment for a term not exceeding 18 months

s. 264.1(2)(b) C.C.C. - Uttering threat to cause death or bodily harm liable for imprisonment for a term not exceeding 18 months

List of charges outstanding:

s. 145(2)(b) C.C.C. - Fail to attend court indictable liable for imprisonment for a term not exceeding two years.

s. 235(1) C.C.C. - First degree murder of the person on Frederick Franklin Fulton - indictable offence.

s. 235(1) C.C.C. - First degree murder of the person on Veronica Decarie - indictable offence.

7. Copies of the informations and warrants are enclosed and identified as Document numbers 4, 5, 6, 7, 8 and 9.

8. A copy of the warrants are enclosed and self explanatory. Copies are enclosed and identified as Document numbers 4, 6 and 8.

9. Synopsis of the facts:
Prosecutor's Information Sheet is enclosed and identified as Document number 10.

10. Prosecuting Attorney:
Paul Hawkins
(506) 357-4033

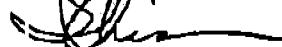
11. N/A

12. Grounds for urgency
Subject considered violent and dangerous and flight risk.

13. CPIC check done - negative.

Please process as an urgent matter.

Yours truly,

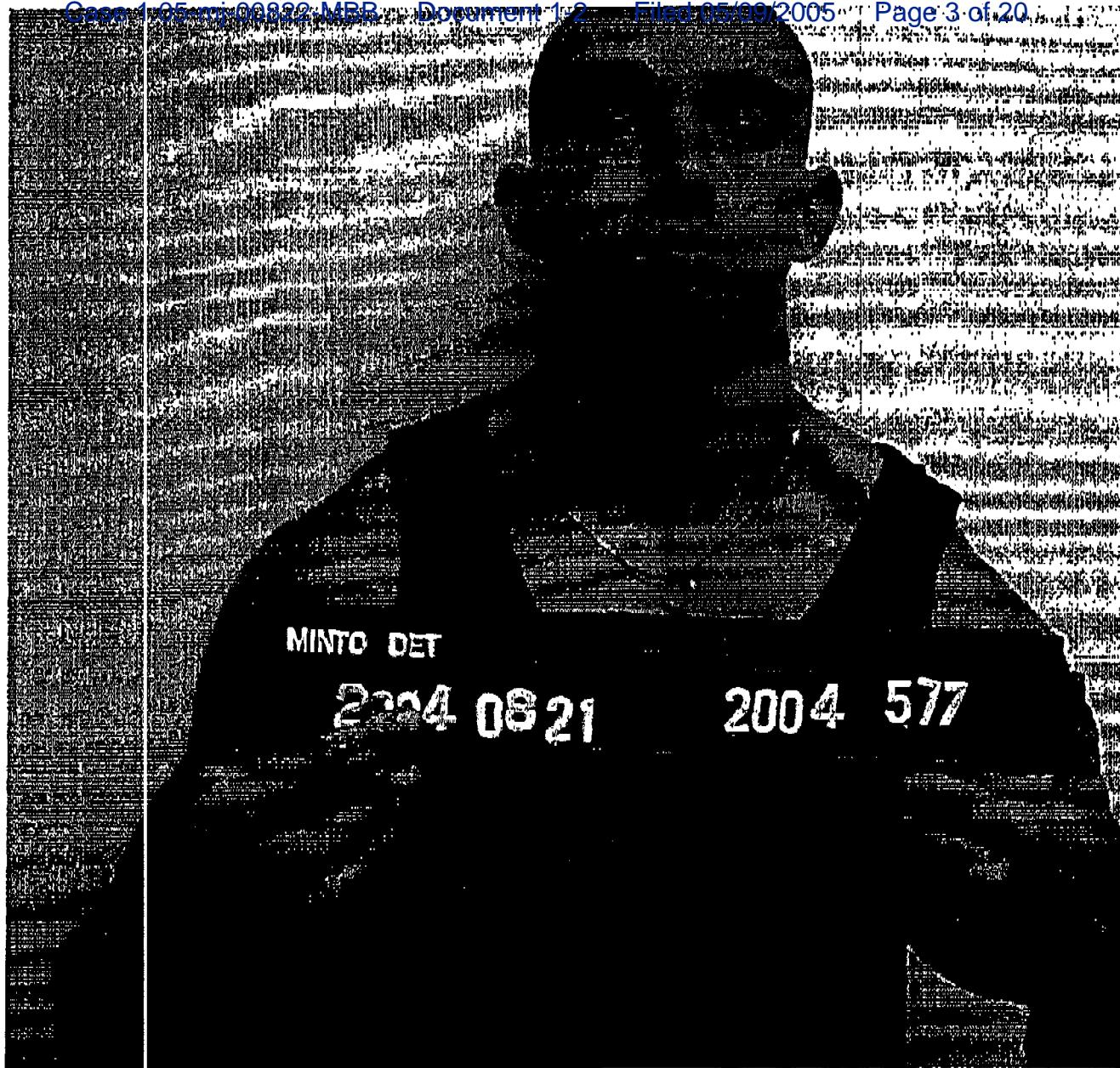


George Chiasson, Q.C.
Assistant Director

Enclosures

SEALING ORDER IS
REQUESTED.





Document 1



Document 2

Document 2

02275000
00 (QD/RCMP)FORM 7 CCC
(R.S.C. 1970, c. B-2 and B-2.1)
WARRANT FOR ARRESTFORMULE 7 CCC
(R.S.C. 1970, c. B-2, B-2.1 et B-2.2)
MANDAT D'ARRESTATIONCANADA
PROVINCE OF NEW BRUNSWICKCANADA
PROVINCE OF NEW BRUNSWICK

To the peace officers of the Province of New Brunswick:

Aux agents de la paix de la province du Nouveau-Brunswick:

This warrant is issued for the arrest of
Gregory Alan DesjardinsLe présent mandat est délivré pour l'arrestation de
Gregory Alan Desjardins

at 358 Slope Road, Miramichi, NB, Canada, E4B 3Z6

à

hereinafter called the accused.

ci-après appelé le prévenu.

WHEREAS the accused has been charged on
April 25, 2005 - Burns - Section 145(2)(b) CCC - fail to attend Court - indicible

ATTENDU que le prévenu a été inculpé d'avoir

AND WHEREAS:
Warrant of Arrest to issue in the first instance

ET ATTENDU:

THUS IS THEREFORE, to command you, in her Majesty's name, forthwith
to arrest the said accused and to bring him before any judge of the
Provincial Court for the Province of New Brunswick to be dealt with
according to law.À CES CAUSES, les présentes ont pour objet de vous enjoindre, au
nom de sa Majesté, d'apporter immédiatement le prévenu et de l'amener
devant un juge de la Cour provinciale de la province du
Nouveau-Brunswick pour qu'il soit traité selon la loi.

DATED April 27, 2005 in Fredericton, Province of New Brunswick

FAIT le 27, province du Nouveau-Brunswick

P. J. Campbell
Judge of the Provincial Court
Province of New BrunswickJuge de la Cour provinciale
Province du Nouveau-Brunswick

| | |
|---|------------------------------------|
|  FORMULE 29 (Article 527) | FORMULE 29 (article 527) |
| ENDORSEMENT OF WARRANT | |
| CANADA PROVINCE OF NEW BRUNSWICK | |
| <p>I, therefore, this warrant is issued under section 507, 508, or 512 of the Criminal Code in respect of an offence under such an offence mentioned in section 522 of the Criminal Code. I hereby authorize the release of the accused. (Gregory Allan Deslauriers pursuant to section 499 of that Act.)</p> | |
| <p>Dated April 27, 2005 at Fredericton Province of New Brunswick</p> | |
| <p>P.J. Cormier A Judge of the Provincial Court</p> | |
| <p>FAIT le 27 provinces du Nouveau-Brunswick</p> | |
| <p>Un Juge de la Cour provinciale</p> | |
| <hr/> | |
| <p>Gregory Allan Deslauriers Accused Name Note de l'accusé(e)</p> | |
| <p>134 Slope Head, Miram, NB, Canada E4B 3W8 Resident Address Adress de l'accusé(e)</p> | |
| <p>April 27, 2005 Date issued Date émise</p> | |
| <p>Information Domiciliation</p> | |
| <p>Address Adresse</p> | |
| <p>Telephone No. de téléphone</p> | |
| <hr/> | |

| | |
|---|--|
| FORMULE 28 ENDORSEMENT OF WARRANT OF ARREST | FORMULE 28 VISA DU MANDAT D'ARRESTATION |
| CANADA PROVINCE OF NEW BRUNSWICK | |
| <p>Pursuant to application this day made to me, I hereby authorize the arrest of the accused, _____</p> | |
| <p>within the said _____</p> | |
| <p>Dated this _____</p> | |
| <p>at _____ Province of New Brunswick</p> | |
| <p>A Judge of the Provincial Court</p> | |
| <p>(territorial division)</p> | |
| <p>Un Juge de la Cour provinciale</p> | |
| <p>(consecription territoriale)</p> | |
| <hr/> | |

02229706
04-9383 (Chippewa RCMP)

FORM 7 C.C.C.
(Sections 475, 493, 597, 800 and 803)
WARANT FOR ARREST



FORMULE 7 C.C.C.
(Art. 475, 493, 597, 800 et 803)
MANDAT D'ARRESTATION

CANADA
PROVINCE OF NEW BRUNSWICK

CANADA
PROVINCE DU NOUVEAU-BRUNSWICK

To the peace officers of the Province of New Brunswick.

Aux agents de la paix de la province du Nouveau-Brunswick.

This warrant is issued for the arrest of
Gregory Allan Dugas

Le présent mandat est décerné pour l'arrestation de

of 354 Slope Road, Minto, NB, Canada, E4B 3T8

de

hereinafter called the accused.

ci-après appelé le prévenu.

WHEREAS the accused has been charged that

ATTENDU que le prévenu a été inculpé d'avoir

COUNT 1: August 21, 2004 at Minto, NB - Did in committing an assault on Frederick Mowat threaten to use a weapon, to wit: a knife.
Section 267(a) CC (summary)

COUNT 2: August 21, 2004 at Minto, NB - Did utter a threat to Frederick Mowat to cause death or bodily harm to Frederick Mowat.
Section 264.1(1)(b) CC (summary)

AND WHEREAS:

ET ATTENDU:

Accused failed to appear in Burton Provincial Court on April 25, 2005 for scheduled Sentencing.

THIS IS THEREFORE, to command you, in her Majesty's name, forthwith to arrest the said accused and to bring him before any judge of the Provincial Court for the Province of New Brunswick to be dealt with according to law.

À CES CAUSES, les présentes ont pour objet de vous enjoindre, au nom de Sa Majesté, d'arrêter immédiatement le prévenu et de l'amener devant un juge de la Cour provinciale de la province du Nouveau-Brunswick pour qu'il soit traité selon la loi.

DATED April 25, 2005 at Burton, Province of New Brunswick

FAIT le à , province du Nouveau-Brunswick

P. D. Cumming,
Judge of the Provincial Court
Province of New Brunswick

Juge de la Cour provinciale
Province du Nouveau-Brunswick

FORM 29
(Section 507)
ENDORSEMENT OF WARRANT

CANADA
PROVINCE OF NEW BRUNSWICK

Whereas this warrant is issued under section 507, 508, or 512 of the Criminal Code in respect of an offence other than an offence mentioned in section 522 of the Criminal Code, I hereby authorize the release of the accused, Gregory Allen Despres pursuant to section 499 of that Act.

Dated April 21, 2005 at Baton,
Province of New Brunswick

P.L. Cumming
Judge of the Provincial Court



FORMULE 29
(article 507)

VISA DU MANDAT

CANADA
PROVINCE DU NOUVEAU-BRUNSWICK

Attendu que le présent mandat est décerné en vertu des articles 507, 508 ou 512 du Code criminel, relativement à une infraction autre que celles visées à l'article 522, j'autorise par les présentes la mise en liberté du prévenu, en application de l'article 499 de cette loi

FAIT le 21
provinces du Nouveau-Brunswick

Un Juge de la Cour provinciale

Gregory Allen Despres
Accused Name Nom de l'accusé(e)

354 Slope Road, Minot, NB, Canada, E4B 3J8

Accused Address Adresse de l'accusé(e)

April 21, 2005

Date Issued Établi le

Informant Dénunciateur

Address Adresse

Telephone No. de téléphone

FORM 28

ENDORSEMENT OF WARRANT OF ARREST

CANADA
PROVINCE OF NEW BRUNSWICK

Pursuant to application this day made to me, I hereby authorize the arrest of the accused, _____
within the said _____
Dated this _____
at _____, Province of New Brunswick.

Judge of the Provincial Court

(territorial division)

FORMULE 28

VISA DU MANDAT D'ARRESTATION

CANADA
PROVINCE DU NOUVEAU-BRUNSWICK

Conformément à la demande qui m'a été adressée ce jour, j'autorise par les présentes l'arrestation du prévenu,
dans la dite _____
Daté du _____
à _____, province du Nouveau-Brunswick.

Un Juge de la Cour provinciale

(circonscription territoriale)

INFORMATION

FORM 2,
(Sections 506 and 788)CANADA
PROVINCE OF NEW BRUNSWICK
PROVINCIAL COURT

This is the information

of **Cst. Kirsten COLLINS**of **RCMP District #2, Oromocto, N.B.**

hereinafter called the informant.

The informant says that he has reasonable and probable
grounds to believe and does believe that**COUNT 1:** **Gregory Allan DESPRES** of 354 Slope Road, Minto, N.B., on or about the 21st day of August, A.D. 2004 at or near Minto in the County of Sunbury and Province of New Brunswick did in committing an assault on Frederick MOWAT threaten to use a weapon, to wit: a knife thereby committing an offence punishable on summary conviction, contrary to Section 267(a) of the Criminal Code of Canada and amendments thereto.**COUNT 2:** **Gregory Allan DESPRES** of 354 Slope Road, Minto, N.B., on or about the 21st day of August, A.D. 2004 at or near Minto in the County of Sunbury and Province of New Brunswick did knowingly utter a threat to Frederick MOWAT to cause death or bodily harm to Frederick MOWAT, contrary to Section 264.1(2)(b) of the Criminal Code of Canada and amendments thereto.

Les présentes constituent la

dénonciation de

de

ci-après appelé le dénonciateur.

Le dénonciateur déclare qu'il a des motifs raisonnables et probables pour croire et qu'il croit qu'

Signature of Informant

Signature du dénonciateur

SWORN BEFORE ME

this _____ day of September 20 04
at Burton

New Brunswick.

FAIT SOUS SERMENT DEVANT MOI

le _____ jour de _____ 20 _____
à _____

Nouveau-Brunswick.

Judge of Provincial Court
Province of New BrunswickJuge de la Cour provinciale
Province du Nouveau-Brunswick

Information No.

Dénonciateur No.

J.I.S. No.

J.I.S. Cause No.

Date of Birth

Date de naissance

Particulars of offence(s) (include any "et aliep", additional charges) / Détails du (des) délit(s) (inclure tout complice et autres accusations)

On Saturday August 21, 2004 at approx 10:30 hrs RCMP OCC advised Minto RCMP that a male was holding a large knife to chest of another male. Cst Campbell and Cpl. LeFrance attended 358 Slope Rd Minto, Sunbury County, NB and spoke to the victim Fred Nowell who advised that Desprez has been bothering his grandfather for the past month. Nowell advised that he was having a family gathering at his grandfather's residence who lives next to Desprez's residence. Desprez had started playing loud music. Nowell went over to tell Desprez to turn down his music. Nowell said that he and Desprez got in each other's face, then Desprez pulled out a knife and pointed it to the chest area of Nowell. Desprez is said to Nowell that he was going to get you all.

Mowat said that he was threatened by Despres so Mowat picked up a piece of wood, chased him from the property at 358 Slope Rd. After speaking to complainants Cat's Campbell, Weller and Cpl. Lafrance attended the residence of Despres at 354 and spoke to Despres, as he was working on a vehicle in his driveway. Despres was placed under arrest by Cpl. Lafrance and searched which located a large black knife which was found in his front right pocket.

Despres was transported to the Minto Detachment and put in contact with Duty Counsel Peter Cory. After speaking to Duty Counsel Despres refused to give a statement. Despres was fingerprinted, photographed, and signed a consent to search for any firearms he had at his residence.

Cst Campbell and Cpl Lafrance departed the Minto RCMP with Desprez to get any firearms that he had at the residence. Members seized 3 rifles, one pellet hand gun and a bow with 7 arrows. Members departed the residence and spoke to the complainants and advised them that Desprez was being charged and we seized his firearms for safe keeping.

Det P.H. Campbell
RCMP District 2
Minto Post

PARTICULARS OF OFFENDER'S FUGITIVE STATUS, ARREST AND DEATH OR DETENTION BY GOVERNMENT
ACCUSATIONS

On Saturday August 21, 2004 at approx 10:30 hrs RCMP CCC advised him into RCMP until a state was holding a large knife in effect of another knife. Cst Campbell and Cpl. Lefrance attended 368 Ridge Rd Mirro, Sunbury County, NB and spoke to the victim Fred Morett who advised that Desprez has been bothering his grandfather for the past month. Morett advised that he was having a family gathering at his grandfather's residence who flew round to Desprez's residence. Desprez had started playing loud music. Morett went over to tell Desprez to turn down his loud music. Morett said that he and Desprez got in a match, going to get you all. Morett said that he went outside to the bridge area of Mirro. Desprez's said to Morett that he was going to get you all. After a passing to contact between Cst's Campbell, Waller and Cpl. Lefrance spoken and the residents of Desprez and's son. Desprez is a very working on a vehicle in his driveway. Desprez was placed under arrest by Cst Lefrance and Cst Campbell who then Desprez while out to a local shop to get a new gun. Desprez was fingerprinted, photographed, and signed a consent to search for any firearms he had at his residence.

Cst Campbell and Cpl. Lefrance departed the Mirro RCMP with Desprez to get any firearms that he had at the residence. Morett advised Cst Campbell and Cpl. Lefrance that Desprez was being charged and we seized his firearms for safe keeping.

Cst P.W. Campbell
 RCMP Diesel
 Mirro Post

Document 8

**PROVINCIAL COURT
PROVINCE OF NEW BRUNSWICK**

I, Nancy Estey, HEREBY CERTIFY that the document attached hereto and marked "A"
is a true and correct copy of the original
Warrant of Arrest dated April 29, 2005 in the matter of

R. vs. Gregory Allan Despres

Case No. A2276106

DATED at Burton, County of Sunbury, Province of New Brunswick, this 2nd day of May,
2005.

Nancy Estey

Nancy Estey
Court Stenographer
Provincial Court
Burton, New Brunswick

07937005
(Oromocto/RCMP)

FORM 2 C.C.C.
(Sections 475, 493, 597, 800 and 803)
WARRANT FOR ARREST



FORMULE 2 C.C.C.
(Art. 475, 493, 597, 800 et 803)
MANDAT D'ARRIESTATION

CANADA
PROVINCE OF NEW BRUNSWICK

To the peace officers of the Province of New Brunswick.

This warrant is issued for the arrest of
Gregory Allen Demarle

at 354 Slope Road, Minto, NB, Canada, E4B 3J8

hereinafter called the accused.

WHEREAS the accused has been charged that

COUNT 1: April 24, 2005 at Minto, N.B. - did commit first degree murder on the person of Frederick Franklin Fulton Section 233(1)CCC - Indictable

COUNT 2: April 24, 2005 at Minto, N.B. - did commit first degree murder on the person of Veronique Decarie Section 233(1)CCC - Indictable

CANADA
PROVINCE DU NOUVEAU-BRUNSWICK

AUX AGENTS DE LA PAIX DE LA PROVINCE DU NOUVEAU-BRUNSWICK.

Le présent mandat est décerné pour l'arrestation de

dc

ci-après appellé le prévenu.

ATTENDU que le prévenu a été inculpé d'avoir

AND WHEREAS:

April 29, 2005 - Warrant in the First Instance

ET ATTENDU:

THIS IS THEREFORE, to command you, in her Majesty's name, forthwith to arrest the said accused and to bring him before any judge of the Provincial Court of the Province of New Brunswick to be dealt with according to law.

A CES CAUSES, les présentes ont pour objet de vous enjoindre, au nom de Sa Majesté, d'arrêter immédiatement le prévenu et de l'amenier devant un juge de la Cour provinciale de la province du Nouveau-Brunswick pour qu'il soit traité selon la loi.

DATED April 29, 2005 at Fredericton, Province of New Brunswick

FAIT le 29, province du Nouveau-Brunswick

J.A. Cumming
Judge of the Provincial Court
Province of New Brunswick

Juge de la Cour provinciale
Province du Nouveau-Brunswick

FORM 29
(Section 507)
ENDORSEMENT OF WARRANT

CANADA
PROVINCE OF NEW BRUNSWICK

Whereas this warrant is issued under section 507, 508, or 512 of the Criminal Code in respect of an offence other than an offence mentioned in section 522 of the Criminal Code, I hereby authorize the release of the accused, Gregory Allan Despres pursuant to section 499 of that Act.

Dated April 29, 2005 at Fredericton,
Province of New Brunswick

P.L. Cumming
A Judge of the Provincial Court

FORMULE 29
(article 507)

VISA DU MANDAT

CANADA
PROVINCE DU NOUVEAU-BRUNSWICK

Attendu que le présent mandat est décerné en vertu des articles 507, 508 ou 512 du Code criminel, relativement à une infraction autre que celles visées à l'article 522, j'autorise par les présentes la mise en liberté du prévenu, en application de l'article 499 de cette loi.

LE 29 avril,
Province du Nouveau-Brunswick

Un Juge de la Cour provinciale

Gregory Allan Despres
Accused Name Nom de l'accusé(e)

354 Slope Road, Miram, NB, Canada, E4B 3B8

Accused Address Adresse de l'accusé(e)

April 29, 2005

Date Issued Etablie

Informant Dénounceur

Address Adresse

Telephone No. de Téléphone

FORM 28

ENDORSEMENT OF WARRANT OF ARREST

CANADA
PROVINCE OF NEW BRUNSWICK

Pursuant to application this day made to me, I hereby authorize the arrest of the accused, _____

within the said _____

Dated this _____
at _____, Province of New Brunswick.

A Judge of the Provincial Court

(territorial division)

FORMULE 28

VISA DU MANDAT D'ARRESTATION

CANADA
PROVINCE DU NOUVEAU-BRUNSWICK

Conformément à la demande qui m'a été adressée ce jour, j'autorise par les présentes l'arrestation du prévenu.

dans le lieu _____

Dated du _____

à _____, province du
Nouveau-Brunswick.

Un Juge de la Cour provinciale

(circconscription territoriale)

Document 9

**PROVINCIAL COURT
PROVINCE OF NEW BRUNSWICK**

I, Nancy Estey, **HEREBY CERTIFY** that the document attached hereto and marked "A"

is a true and correct copy of the original

Information dated April 29, 2005 in the matter of

R. vs. Gregory Allan Despres

Case No. 02276106

DATED at Burton, County of Sunbury, Province of New Brunswick, this 2nd day of May,

2005.

Nancy Estey

Nancy Estey
Court Stenographer
Provincial Court
Burton, New Brunswick

INFORMATION

FORM 2

(Section 506 and 788)

CANADA

PROVINCE OF NEW BRUNSWICK

PROVINCIAL COURT

This is the information

of Cpl. Kevin Jackson, a member

of the Royal Canadian Mounted Police, Oromocto, NB

hereinafter called the informant.

The informant says that he has reasonable and probable grounds to believe and does believe that

DÉNONCIATION

FORMULE 2

(Article 506 et 788)

CANADA

PROVINCE DU NOUVEAU-BRUNSWICK

COUR PROVINCIALE

Les présentes constituent la

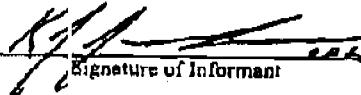
dénonciation de

de

ci-après appelé le dénonciateur.

Le dénonciateur déclare qu'il a des motifs raisonnables et probables pour croire et qu'il croit qu'

GRECORY ALLAN DESPRES of 354 Slope Road, Minto, New Brunswick:

COUNT #1: on or about the 24th day of April, A.D. 2005 at or near Minto, County of Sunbury and Province of New Brunswick, did commit first degree murder on the person of Frederick Franklin Fulton, contrary to Section 235(1) of the Criminal Code of Canada and amendments thereto.COUNT #2: on or about the 24th day of April, A.D. 2005 at or near Minto, County of Sunbury and Province of New Brunswick, did commit first degree murder on the person of Veronica Decarie, contrary to Section 235(1) of the Criminal Code of Canada and amendments thereto.

Signature of Informant

SWORN BEFORE ME

this 29th day of April, 2005

at Fredericton

New Brunswick


Judge of Provincial Court
Province of New Brunswick

Signature du dénonciateur

FAIT SOUS SERMENT DEVANT MOI

le _____ jour de _____

à _____

Nouveau-Brunswick.

Juge de la Cour provinciale
Province du Nouveau-Brunswick

Information No.

J.I.S. No. ~~075137005~~

Date of Birth 12 27 61 06

Dénonciateur No.

J.I.S. Cause No.

Date de naissance

MAY 02 2005 13:17 FR RCMP J DIU

PROSECUTOR'S INFORMATION SHEET
DEPARTMENT OF JUSTICEFICHE DE RENSEIGNEMENTS À L'USAGE DU PROCUREUR
MINISTÈRE DE LA JUSTICE

AG-2001 M 0096

| | | | | |
|---|--|--|-----------------------------|---|
| 1. OFFENCE(S) / DELIT(s) | | DATE / DATE | PLACE / LIEU | TIME / HEURE |
| CRIMES / MÉTIERS / ACTES CRIMINELS | | M 4 26 2005 | Minto, New Brunswick | 13:01 |
| 2005-006 | | SECTION AND ACT / ACTE ETAT | | |
| CRIMES / DELITS | | 2 | SECTION AND ACT / ACTE ETAT | 3 |
| Murder | | 235(1) | | |
| 3. POLICE OFFICER / AGENT DE POLICE | | Investigating Member / Enquêteur(s) | | IBW / NBL |
| DET. OFFICER No. / DAI. N° / AGENT N° | | Cst. Allan ROGERS / Sgt. Gerard BELLIVEAU | | |
| RCMP, Major Crime Unit | | Adult / Adulé(e) | | |
| 4. DEFENDANT | | Young Offender / Jeune contrevenant | Adult / Adulé(e) | |
| Surname / Nom de famille | | Offender / Offenseur | Offender / Offenseur | |
| DESPRES | | Gregory | Offender / Offenseur | |
| Sex / Sexe | | O.D.B.T. Date de naissance / V.A. | Age / Age | P.O.B. / L.O.N. |
| M | | 1977 | 18 | New Brunswick |
| M | | 1982 | | |
| ADDRESS / Adresse | | Parents' Same Address / Même adresse des parents | | Different Address & Phone No. / Adresse différente et n° de téléphone |
| 354 Stepp Road, Minto, NB | | Driver's Licence No. / Numéro de la carte de conduite | | Province / Province de résidence |
| | | Vehicle License Plate / Plaque d'immatriculation du véhicule | | |
| | | | | |
| Insists? / Vehicle conforms to Code material of security? | | If yes, number / Si oui, n° | | |
| Yes <input type="checkbox"/> No <input type="checkbox"/> | | Yes <input type="checkbox"/> No <input type="checkbox"/> | | |

4. COMPLETE THE FOLLOWING FOR ALL CRIMINAL CODE OFFENCES / RÉPONDRE AUX QUESTIONS SUIVANTES POUR TOUTE INFRACTION AU CODE CRIMINEL

Is there a victim? Yes No If yes, was victim aware of opportunity to report? Yes No Is it likely that the victim is not informed? Yes No

- If yes, indicate only the species of the following:
- Is it likely that the victim is not informed?

P1 P2 P3 P4 P5 P6 P7 P8 P9 P10 P11 P12 P13 P14 P15 P16 P17 P18 P19 P20 P21 P22 P23 P24 P25 P26 P27 P28 P29 P30 P31 P32 P33 P34 P35 P36 P37 P38 P39 P40 P41 P42 P43 P44 P45 P46 P47 P48 P49 P50 P51 P52 P53 P54 P55 P56 P57 P58 P59 P60 P61 P62 P63 P64 P65 P66 P67 P68 P69 P70 P71 P72 P73 P74 P75 P76 P77 P78 P79 P80 P81 P82 P83 P84 P85 P86 P87 P88 P89 P90 P91 P92 P93 P94 P95 P96 P97 P98 P99 P100 P101 P102 P103 P104 P105 P106 P107 P108 P109 P110 P111 P112 P113 P114 P115 P116 P117 P118 P119 P120 P121 P122 P123 P124 P125 P126 P127 P128 P129 P130 P131 P132 P133 P134 P135 P136 P137 P138 P139 P140 P141 P142 P143 P144 P145 P146 P147 P148 P149 P150 P151 P152 P153 P154 P155 P156 P157 P158 P159 P160 P161 P162 P163 P164 P165 P166 P167 P168 P169 P170 P171 P172 P173 P174 P175 P176 P177 P178 P179 P180 P181 P182 P183 P184 P185 P186 P187 P188 P189 P190 P191 P192 P193 P194 P195 P196 P197 P198 P199 P200 P201 P202 P203 P204 P205 P206 P207 P208 P209 P210 P211 P212 P213 P214 P215 P216 P217 P218 P219 P220 P221 P222 P223 P224 P225 P226 P227 P228 P229 P230 P231 P232 P233 P234 P235 P236 P237 P238 P239 P240 P241 P242 P243 P244 P245 P246 P247 P248 P249 P250 P251 P252 P253 P254 P255 P256 P257 P258 P259 P260 P261 P262 P263 P264 P265 P266 P267 P268 P269 P270 P271 P272 P273 P274 P275 P276 P277 P278 P279 P280 P281 P282 P283 P284 P285 P286 P287 P288 P289 P290 P291 P292 P293 P294 P295 P296 P297 P298 P299 P300 P301 P302 P303 P304 P305 P306 P307 P308 P309 P310 P311 P312 P313 P314 P315 P316 P317 P318 P319 P320 P321 P322 P323 P324 P325 P326 P327 P328 P329 P330 P331 P332 P333 P334 P335 P336 P337 P338 P339 P340 P341 P342 P343 P344 P345 P346 P347 P348 P349 P350 P351 P352 P353 P354 P355 P356 P357 P358 P359 P360 P361 P362 P363 P364 P365 P366 P367 P368 P369 P370 P371 P372 P373 P374 P375 P376 P377 P378 P379 P380 P381 P382 P383 P384 P385 P386 P387 P388 P389 P390 P391 P392 P393 P394 P395 P396 P397 P398 P399 P400 P401 P402 P403 P404 P405 P406 P407 P408 P409 P410 P411 P412 P413 P414 P415 P416 P417 P418 P419 P420 P421 P422 P423 P424 P425 P426 P427 P428 P429 P430 P431 P432 P433 P434 P435 P436 P437 P438 P439 P440 P441 P442 P443 P444 P445 P446 P447 P448 P449 P450 P451 P452 P453 P454 P455 P456 P457 P458 P459 P460 P461 P462 P463 P464 P465 P466 P467 P468 P469 P470 P471 P472 P473 P474 P475 P476 P477 P478 P479 P480 P481 P482 P483 P484 P485 P486 P487 P488 P489 P490 P491 P492 P493 P494 P495 P496 P497 P498 P499 P500 P501 P502 P503 P504 P505 P506 P507 P508 P509 P510 P511 P512 P513 P514 P515 P516 P517 P518 P519 P520 P521 P522 P523 P524 P525 P526 P527 P528 P529 P530 P531 P532 P533 P534 P535 P536 P537 P538 P539 P540 P541 P542 P543 P544 P545 P546 P547 P548 P549 P550 P551 P552 P553 P554 P555 P556 P557 P558 P559 P560 P561 P562 P563 P564 P565 P566 P567 P568 P569 P570 P571 P572 P573 P574 P575 P576 P577 P578 P579 P580 P581 P582 P583 P584 P585 P586 P587 P588 P589 P590 P591 P592 P593 P594 P595 P596 P597 P598 P599 P600 P601 P602 P603 P604 P605 P606 P607 P608 P609 P610 P611 P612 P613 P614 P615 P616 P617 P618 P619 P620 P621 P622 P623 P624 P625 P626 P627 P628 P629 P630 P631 P632 P633 P634 P635 P636 P637 P638 P639 P640 P641 P642 P643 P644 P645 P646 P647 P648 P649 P650 P651 P652 P653 P654 P655 P656 P657 P658 P659 P660 P661 P662 P663 P664 P665 P666 P667 P668 P669 P670 P671 P672 P673 P674 P675 P676 P677 P678 P679 P680 P681 P682 P683 P684 P685 P686 P687 P688 P689 P690 P691 P692 P693 P694 P695 P696 P697 P698 P699 P700 P701 P702 P703 P704 P705 P706 P707 P708 P709 P710 P711 P712 P713 P714 P715 P716 P717 P718 P719 P720 P721 P722 P723 P724 P725 P726 P727 P728 P729 P730 P731 P732 P733 P734 P735 P736 P737 P738 P739 P740 P741 P742 P743 P744 P745 P746 P747 P748 P749 P750 P751 P752 P753 P754 P755 P756 P757 P758 P759 P760 P761 P762 P763 P764 P765 P766 P767 P768 P769 P770 P771 P772 P773 P774 P775 P776 P777 P778 P779 P780 P781 P782 P783 P784 P785 P786 P787 P788 P789 P790 P791 P792 P793 P794 P795 P796 P797 P798 P799 P800 P801 P802 P803 P804 P805 P806 P807 P808 P809 P810 P811 P812 P813 P814 P815 P816 P817 P818 P819 P820 P821 P822 P823 P824 P825 P826 P827 P828 P829 P830 P831 P832 P833 P834 P835 P836 P837 P838 P839 P840 P841 P842 P843 P844 P845 P846 P847 P848 P849 P850 P851 P852 P853 P854 P855 P856 P857 P858 P859 P860 P861 P862 P863 P864 P865 P866 P867 P868 P869 P870 P871 P872 P873 P874 P875 P876 P877 P878 P879 P880 P881 P882 P883 P884 P885 P886 P887 P888 P889 P890 P891 P892 P893 P894 P895 P896 P897 P898 P899 P900 P901 P902 P903 P904 P905 P906 P907 P908 P909 P910 P911 P912 P913 P914 P915 P916 P917 P918 P919 P920 P921 P922 P923 P924 P925 P926 P927 P928 P929 P930 P931 P932 P933 P934 P935 P936 P937 P938 P939 P940 P941 P942 P943 P944 P945 P946 P947 P948 P949 P950 P951 P952 P953 P954 P955 P956 P957 P958 P959 P960 P961 P962 P963 P964 P965 P966 P967 P968 P969 P970 P971 P972 P973 P974 P975 P976 P977 P978 P979 P980 P981 P982 P983 P984 P985 P986 P987 P9

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P.02

Appendix "A"

Frederick FULTON "E-A-1"
Double Homicide
Minto, N.B.

1. On Saturday August 21, 2004, at approximately 19:30 hrs Tammy MOWAT called 911 and advised the RCMP that they were having a family gathering at her husband's grandfather's residence. Fred FULTON, when all of a sudden there was lots of loud noise coming from the outside. Fred MOWAT, FULTON's grandson, went out to see what was going on. Fred MOWAT confronted a neighbour, Greg DESPRES, who had been bothering his grandfather in the past month. DESPRES pulled a large knife on MOWAT and held it to MOWAT's chest. RCMP attended 358 Slope Road, Minto, Sunbury County, NB and spoke to the victim Fred MOWAT. MOWAT advised that he and DESPRES got in each other's face when DESPRES pulled out his knife and pointed it to his chest. MOWAT said the he was not scared of DESPRES and chased him from his grandfather's residence at 358 Slope Road. Shortly after MOWAT chased DESPRES away, DESPRES appeared back on the road yelling and screaming with a knife again. MOWAT went back outside and chased DESPRES away again until the police arrived. Tammy heard DESPRES threaten Fred MOWAT. MOWAT stated that DESPRES was mad because he thinks MOWAT's grandfather turned off DESPRES water and no one has water there as there is something wrong with the well. MOWAT stated that DESPRES threatened that, "he's going to get us all". MOWAT was concerned with DESPRES as he was causing problems with MOWAT's grandfather, Fred FULTON, who is very ill. MOWAT says that DESPRES turns up the music loud all night and runs tools in the yard all hours of the day, etc. Greg DESPRES was arrested a short time later at his own residence at 354 Slope Road. At the time of his arrest had a large bayonet tucked in his belt. DESPRES was subsequently charged with Uttering Threats and Assault with a weapon. Both masters went to trial on March 16th, 2005 at which time DESPRES was found guilty. The master was set over until April 25th, 2005 for sentencing. A Pre-Sentence Report was ordered by the trial Judge.
2. On April 21st, 2005, Probation Officer, Douglas PITTS prepared a Pre-Sentence Report on Greg DESPRES that stated amongst other things, "Mr. DESPRES and his lifestyle have been of some annoyance to his neighbors and he has had difficulty with them in the past. His current offence involves his neighbors." Mr. PITTS wrote in his conclusion, "This writer does have concerns about Gregory DESPRES' mental wellness. Having said this he did report he does not hear voices or hallucinations. This writer feels some of his behaviour is questionable. This writer would respectfully suggest that in addition to any sentence that may be imposed by the court for these offences, the court may wish to direct that Gregory Allan DESPRES receive some form of community supervision in the future. While on community supervision he would be directed to the Mental Health Clinic for an assessment as well as to follow any counselling directions. It is also felt that he be restricted in the types and natures of weapons he could possess at this time."

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3. On April 23rd, 2005, at 8:45 P.M. Fred FULTON and his common law wife Veronica DECARIE, were both at their home at 358 Slope Road, Minto, N.B. They had just had a visit with a family friend, John EDGARS. When EDGARS left there was no concerns of any problems for or with Mr. FULTON and his wife, Veronica.
4. On the evening of April 23rd, 2005 Greg DESPRES was at his residence at 354 Slope Road at approximately 6:00 P.M. as his grandfather had taken him to the local bank then dropped him home at that time.
5. Sometime during the late evening of April 23rd, 2005 and the early morning hours of April 24th, 2005 Greg DESPRES approached the FULTON residence by the commonly used side door stairway. It appears that he cut (knife) the screen door and unlocked it by turning a hand made door lock holder made of wood. He then proceeded to the residence rear door, being the entrance to the kitchen room, kicked the locked door open, (foot print on the door surface & evidence the door was forced open) DESPRES then proceeded directly to the victim's bedroom where he attacked Veronica DECARIE stabbing her several times. DESPRES also attacked and stabbed Mr. FULTON several times. It appears as if Mr. FULTON ran to the bathroom where he attempted to get cover by pinning himself down between the bathtub and the door using his legs to prevent DESPRES from opening the door. At some point the assault resumed. Mr. FULTON attempted to escape from the residence but was caught on the porch by DESPRES. DESPRES hauled Mr. FULTON back inside the kitchen where he continued to attack Mr. FULTON and ultimately beheaded him. DESPRES placed Mr. FULTON's severed head inside a pillow case which was later found on the floor near FULTON's body. DESPRES, either before hauling Mr. FULTON's body back inside the kitchen from the porch or as he exited the premise cut the screen with his knife and pulled the outdoor light sensor switch rendering it inoperable. DESPRES searched DECARIE's purse that was in the kitchen at which time he took her car keys and possibly some money.
6. On Sunday, April 24th, 2005 between 09:00 hrs to 10:00 hrs Fred FULTON (Deceased) traditionally called his son Carl FULTON at this time but on this date he did not. At 12:00 hrs John EDGERS went into Minto around noon to get some milk at which time he noticed that Fulton's car was not in the driveway.
7. On Monday, April 25th, 2005 at 00:01 hrs John & Reita TAYLOR of 4 Boundary Street, St Stephen were driving south to St. Stephen around midnight on Hwy # 3 between the Lawrence Station Regional Landfill and Brockway when they observed a male standing on the side of the hwy in heavy rain folding what she described as a white sheet. This person was standing near a bridge that crosses Hwy # 3 near a water flowage area.
8. On April 25th, 2005 at 03:30 hrs to 03:34 hrs a guy fitting Despres description was picked up hitch hiking at Lawrence Station on Hwy #3 by Ernie DAYE and dropped off at

Andersonville Church at the intersection of Hwy # 3 & Rt. # 630. Despres carrying his chain saw and back pack.

9. On April 25th, 2005 at approximately 05:30 hrs Alvin Andrew MOFFITT was hauling wood from Nackawic to the mill in Woodland, Maine, along Hwy #3 when the trucker in front of him, Roger Morrow called him on the radio to tell him to watch out for the guy walking on the side of the highway. This would have been at "Goat Brook" which is approximately two kilometers south along Hwy #3 below the church where you turn off to go to McAdam (intersection 630 where DAYE dropped off Despres). When MOFFITT went past the guy he saw that he had on a pair of baggy white pants, black type jacket with a hood and he was carrying something that looked like a black ski-doo helmet.
10. On April 25th, 2005 between 06:30 hrs to 07:00 hrs Greg Harnish picked up a guy fitting Despres description around 6:30 hrs between Lawrence Station and Dewolfe along Hwy #3. Harnish said it was either Monday or Tuesday morning and it was raining heavily. Harnish stated that the guy was wearing a full face black motor cycle helmet when he picked him up. The guy took off the helmet when he got into the vehicle. He sat in the back seat even though the front seat was empty. The guy had a bag, brown or a dark beige, with a few tools sticking out of it. One looked like a machette, the other one was a flat hatchet and a green chain saw maybe a "pollen". Harnish asked him if he worked in the woods and he said he was meeting someone and they were going to work in the woods. When they got near town Harnish asked him where he wanted to be dropped off. The guy said he wanted to go somewhere near a phone where he could call the person he was suppose to be meeting up with. Harnish offered to take him to the mall but the guy said he rather not go there where there was a lot of people around. Harnish kept going into town to the next phone which is on the side of McNay's Restaurant on King street. Harnish showed him the phone and he said that would be fine and he dropped him off there. The guy had dark hair real short on the sides, longer in the middle like a mohawk and brown eyes. It was around 7:00 hrs when Harnish dropped him off.
11. On April 25th, 2005 between 08:00 hrs to 8:30 hrs Donald Phillips was opening his store, Philip's Furniture Monday morning when he saw a male walking with a chain saw. He opened the back door to his store and saw the same male taking off a pair of pants and putting them in a shopping cart behind his business, Philip's Furniture in St. Stephen. The pants were still in the cart on April 27th so he placed them inside his store until they were seized by police on April 28th. Subsequent inspection of the pants found by Mr. PHILLIPS showed that they contain traces of suspected blood.
12. On April 25th, 2005 between 08:30 hrs to 08:45 hrs Despres crosses from St. Stephen, N.B. into Calais, Maine where he is questioned by US authorities and has some of his belongings seized, including a chainsaw, samurai sword, dagger, brass knuckles, axe, knife, plastic tie-downs and a mouth guard. Despres was also wearing a military flak jacket and had told the Customs Officers that he was a Lieutenant in the US Marines. Despres, being a Canadian-born, naturalized U.S. citizen, was released into the US as he

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hadn't committed any violations of law in the U.S.

13. On April 25th, 2005 between 08:30 hrs to 09:00 hrs Stacie LeFrance sees a male person in his early 20's walking down King Street in St. Stephen near the "East Coast Action Sports" store. He had a greenish coloured chain saw hanging off of a book bag he had on his back pack. He also had a strange hair cut.
14. On April 25th, 2005 at 10:00 hrs Greg Despres was scheduled to appear in Burton Provincial court to be sentenced on Aug. 21, 2004, charges of assaulting Frederick Mowat with a knife and threatening him. Despres did not show and a warrant was issued for his arrest for failure to appear.
15. On April 25th, 2005 at 10:30 hrs, Cst. Ross DAVIS, St. Stephen Detachment, received a call from the U.S. Immigration Main port by Officer Jake CHAMBERS to attend the office. Officer CHAMBERS stated that he had a male person there by the name of Gregory DESPRES and wanted Cst. DAVIS to query a serial # from a chainsaw that Gregory was carrying. Officer CHAMBERS showed Cst. DAVIS some other weapons that were carried by Greg, one a long home-made sword similar to a Ninja sword but ground from what appeared to be aluminum it has his last name engraved in it and a swastika symbol beside it and a wooden handle. There was a hatchet, a mouth guard (black), two brass knuckles, but appeared to be home-made from aluminum, a small black container of pepper spray, 1 white pull tie, 1 green purple chainsaw. Officer CHAMBERS pointed out to Cst. DAVIS what appeared to be blood spots on the chainsaw. Cst. DAVIS did see light red spatter on the saw. Officer CHAMBERS told Cst. DAVIS that Gregory said he had hiked from PEI and had been dropped off at Tim Horton's in St. Stephen, walked to Immigration through St. Stephen. Officer CHAMBERS said that Gregory stated he was a Sergeant in the Marine core that he had a helicopter waiting for him that he worked for the President. Officer CHAMBERS said he could not stop him from entering the U.S. after, he was cleared. Gregory walked out the door and down the road towards Calais.
16. On April 25th, 2005 at 13:15 hrs Alvin Andrew MOFFITT, who had past a guy carrying a black ski-doo type helmet earlier in the morning around 05:30 hrs, was on his second return trip from the mill in Woodland, Maine, when he saw the same guy he saw earlier in the morning in Milltown on the US side near the Canadian border. (MOFFITT had just left the scales about fifteen minutes earlier and had a time card to show the time.) MOFFITT noticed this time that the guy had a mohawk hair cut and the same clothes as before.
17. On April 25th, 2005 between 18:00 hrs to 20:00 hrs Despres seen at the Irving Big Stop in Baileyville, Maine.
18. On Tuesday, April 26th, 2005 at 15:01 hrs a 911 was placed by Paul LaBlanc after Debbie

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P.06

Mowat discovered the remains of her father at 358 Slope Road. Paul Joseph LEBLANC, advised that his wife, Therese LEBLANC, heard a person screaming outside. Upon closer investigation Therese, saw that it was Dabbi MOWAT, standing outside at the head of Fred FULTON's driveway. When Paul LEBLANC went outside, his wife was already talking to MOWAT. They asked MOWAT what happened. MOWAT advised that her dad was on the floor dead and that someone cut his head off. Paul LEBLANC used his portable telephone to call 911 and advised them of the information as he knew it. Paul LEBLANC advised that he last saw FULTON on Saturday, April 23rd, 2005 between 2 P.M. and 4 P.M. when was outside getting his newspaper. LEBLANC further advised that he last saw Greg DESPRES on Saturday, April 23rd, 2005 at about 12:00 P.M. when he drove past his trailer and noticed that the door was open. LEBLANC also saw him putting boards on the side of his shed. LEBLANC further advised police that he saw DESPRES a few weeks ago with a large knife tucked into the back of his pants. The knife he saw had a light brown leather sheath.

19. On April, 26th, 2005 at 19:06 hrs Cpl. Don HULSMAN from RCMP Identification Section and Cst. Allan ROGERS of RCMP Major Crime Unit entered the residence at 358 Slope Road and found the remains of a male subject, who had been decapitated laying in the middle of the kitchen floor.
20. On Wednesday, April 27th, 2005 at 00:30 hrs (Atlantic Time) Greg Despres was arrested in Mattapoisett, Mass., at 23:30 hrs, local time "Eastern" time, on 2005-04-26, about 90 kilometres south of Boston. He was charged with being a fugitive from justice. At the time of his arrest DESPRES was in possession of clothing and boots that had on them tracks of suspected blood.
21. On April 27th, 2005, Cpl. Dan PARLEE did an aerial search in a US Border Patrol Helicopter flown by Sgt. Gary BAER. That at 11:30 hrs they spotted red Ford Taurus in a gravel pit off of Route 3 near #5145, Brockway, New Brunswick. The vehicle was confirmed to be the victim's missing vehicle, GCU 831. That at 12:20 hrs, Cpl. PARLEE turned the vehicle over to Cpl. Paul OUELLETTE's possession.
22. On April 27th, 2005, at 09:54 hrs, Cst. Greg LUPSON took a witness statement from Bertha DESPRES, grandmother to Gregory DESPRES. Bertha states Gregory wears boots that lace up high in the front. That the boots were old, but he kept them clean, used brush and polish. It was abnormal for Gregory to take all of his clothes, that he usually changes to clean clothes, comes back dirty and changes. He would have taken dress shirt (court shirt) with him. Only has one other pair of footwear, old sneakers, normally wears his boots. Bertha indicated there was some clothes in his room (no door) but they're all clean now. There was a knife on the dresser and a sword on the wall. Doesn't know if he took that home on Saturday or not. Computer is in Adolph's room. Bertha does not know how to use it. Sneakers are not in residence now, never wore them much she states. She said that Gregory stated they'd never take him alive with respect to court, should they ever try to handcuff him.

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23. On April 27th, 2005 at 11:26 hrs, Cst. Greg LUPSON took a witness statement from Adolph DESPRES, grandfather to Gregory DESPRES, where he stated that Gregory liked to talk to himself in the mirror for hours. Thought there was definitely something wrong with him but couldn't do anything about it. Heard that Gregory made his own weapons such as a sword made out of aluminum cause he had taken a piece of aluminum from him. Thought the sword was hanging up on the wall in the shed. That Gregory was wearing his black boots, the army boots and that he kept them shined up just like in the cadets. Also wearing black shiny pants, and a black sweat shirt with a hood on it and his knapsack.
24. RCMP Major Crime Unit and continue to investigate in co-operation with American Authorities.

On Wednesday, April 27th, 2005 at 1:43pm (AST) Corporal Kevin Jackson and Constable Lise Robichaud, Peace Officers and members of the Royal Canadian Mounted Police viewed the following items at Calais, Maine, in the United States of America:

1. One chainsaw, green and purple in color with a black chain bar. Possibly a Poulan.
2. One homemade sword with a wooden handle. Blade appears to be constructed of aluminum.
3. One hatchet, mixed
4. One knife, silver blade with a wooden handle
5. Two homemade "brass knuckles" which appear to be constructed of aluminum
6. One black container which appears to be "pepper spray" or OC spray

The above items are under the control of exhibit custodian Timothy Lecasse, Assistant Area Port Director, United States Customs and Border Protection, United States Department of Homeland Security.

Corporal Kevin Jackson has viewed a copy of the Custody Receipt for Seized Property and Evidence compiled by United States Customs and Border Protection officer John Chambers and signed by Timothy Lecasse and can state the above described items accurately reflect property recovered as seized from Gregory Despres on the 25th day of April, 2005 at 3 Customs Street, Calais, Maine in the United States of America.

Dated this 28th day of April, 2005 at Oromocto, Sunbury County, New Brunswick.

Kevin Jackson, Corporal
District 2 Oromocto C.I.S.
(506)357-4300

Assaults**Uttering threats**

264.1 (1) Every one commits an offence who, in any manner, knowingly utters, conveys or causes any person to receive a threat

- (a) to cause death or bodily harm to any person;
- (b) to burn, destroy or damage real or personal property; or
- (c) to kill, poison or injure an animal or bird that is the property of any person.

(2) Every one who commits an offence under paragraph (1)(a) is guilty of

- (a) an indictable offence and liable to imprisonment for a term not exceeding five years; or
- (b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.

267. Every one who, in committing an assault,

- (a) carries, uses or threatens to use a weapon or an imitation thereof, or
- (b) causes bodily harm to the complainant,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years or an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.

R.S., 1985, c. C-46, s. 267; 1994, c. 44, s. 17.

large without excuse

145. (1) Every one who

(a) escapes from lawful custody, or

(b) is, before the expiration of a term of imprisonment to which he was sentenced, at large in or out of Canada without lawful excuse, the proof of which lies on him,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years or is guilty of an offence punishable on summary conviction.

Failure to attend court

(2) Every one who,

(a) being at large on his undertaking or recognizance given to or entered into before a justice or judge, fails, without lawful excuse, the proof of which lies on him, to attend court in accordance with the undertaking or recognizance, or

(b) having appeared before a court, justice or judge, fails, without lawful excuse, the proof of which lies on him, to attend court as thereafter required by the court, justice or judge,

or to surrender himself in accordance with an order of the court, justice or judge, as the case may be, is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years or is guilty of an offence punishable on summary conviction.

injury that results in death, he causes the death of that human being notwithstanding that the effect of the bodily injury is only to accelerate his death from a disease or disorder arising from some other cause.

R.S., c. C-34, s. 209.

227. [Repealed, 1999, c. 5, s. 9]

Killing by influence on the mind

228. No person commits culpable homicide where he causes the death of a human being

(a) by any influence on the mind alone, or

(b) by any disorder or disease resulting from influence on the mind alone,

but this section does not apply where a person causes the death of a child or sick person by wilfully frightening him.

R.S., c. C-34, s. 211.

Murder, Manslaughter and Infanticide

Murder

229. Culpable homicide is murder

(a) where the person who causes the death of a human being

(i) means to cause his death, or

(ii) means to cause him bodily harm that he knows is likely to cause his death, and is reckless whether death ensues or not;

(b) where a person, meaning to cause death to a human being or meaning to cause him bodily harm that he knows is likely to cause his death, and being reckless whether death ensues or not, by accident or mistake causes death to another human being, notwithstanding that he does not mean to cause death or bodily harm to that human being; or

(c) where a person, for an unlawful object, does anything that he knows or ought to know is likely to cause death, and thereby causes death to a human being, notwithstanding that he desires to effect his object without causing death or bodily harm to any human being.

R.S., c. C-34, s. 212.

Murder in commission of offences

230. Culpable homicide is murder where a person causes the death of a human being while committing or attempting to commit high treason or treason or an offence mentioned in section 52 (sabotage), 75 (piratical acts), 76 (hijacking an aircraft), 144 or subsection 145(1) or sections 146 to 148 (escape or rescue from prison or

lawful custody), section 270 (assaulting a peace officer), section 271 (sexual assault), 272 (sexual assault with a weapon, threats to a third party or causing bodily harm), 273 (aggravated sexual assault), 279 (kidnapping and forcible confinement), 279.1 (hostage taking), 343 (robbery), 348 (breaking and entering) or 433 or 434 (arson), whether or not the person means to cause death to any human being and whether or not he knows that death is likely to be caused to any human being, if

(a) he means to cause bodily harm for the purpose of

- (i) facilitating the commission of the offence, or
- (ii) facilitating his flight after committing or attempting to commit the offence,

and the death ensues from the bodily harm;

(b) he administers a stupefying or overpowering thing for a purpose mentioned in paragraph (a), and the death ensues therefrom; or

(c) he wilfully stops, by any means, the breath of a human being for a purpose mentioned in paragraph (a), and the death ensues therefrom.

(d) [Repealed, 1991, c. 4, s. 1]

R.S., 1985, c. C-46, s. 230; R.S., 1985, c. 27 (1st Supp.), s. 40; 1991, c. 4, s. 1.

Classification of murder

231. (1) Murder is first degree murder or second degree murder.

Planned and deliberate murder

(2) Murder is first degree murder when it is planned and deliberate.

Contracted murder

(3) Without limiting the generality of subsection (2), murder is planned and deliberate when it is committed pursuant to an arrangement under which money or anything of value passes or is intended to pass from one person to another, or is promised by one person to another, as consideration for that other's causing or assisting in causing the death of anyone or counselling another person to do any act causing or assisting in causing that death.

Murder of peace officer, etc.

(4) Irrespective of whether a murder is planned and deliberate on the part of any person, murder is first degree murder when the victim is

(a) a police officer, police constable, constable, sheriff, deputy sheriff, sheriff's officer or other person employed for the preservation and maintenance of the public peace, acting in the course of his duties;

(b) a warden, deputy warden, instructor, keeper, jailer, guard or other officer or a permanent employee of a

prison, acting in the course of his duties; or

(c) a person working in a prison with the permission of the prison authorities and acting in the course of his work therein.

Hijacking, sexual assault or kidnapping (5) Irrespective of whether a murder is planned and deliberate on the part of any person, murder is first degree murder in respect of a person when the death is caused by that person while committing or attempting to commit an offence under one of the following sections:

(a) section 76 (hijacking an aircraft);

(b) section 271 (sexual assault);

(c) section 272 (sexual assault with a weapon, threats to a third party or causing bodily harm);

(d) section 273 (aggravated sexual assault);

(e) section 279 (kidnapping and forcible confinement); or

(f) section 279.1 (hostage taking).

Criminal harassment (6) Irrespective of whether a murder is planned and deliberate on the part of any person, murder is first degree murder when the death is caused by that person while committing or attempting to commit an offence under section 264 and the person committing that offence intended to cause the person murdered to fear for the safety of the person murdered or the safety of anyone known to the person murdered.

Murder during terrorist activity (6.01) Irrespective of whether a murder is planned and deliberate on the part of a person, murder is first degree murder when the death is caused while committing or attempting to commit an indictable offence under this or any other Act of Parliament where the act or omission constituting the offence also constitutes a terrorist activity.

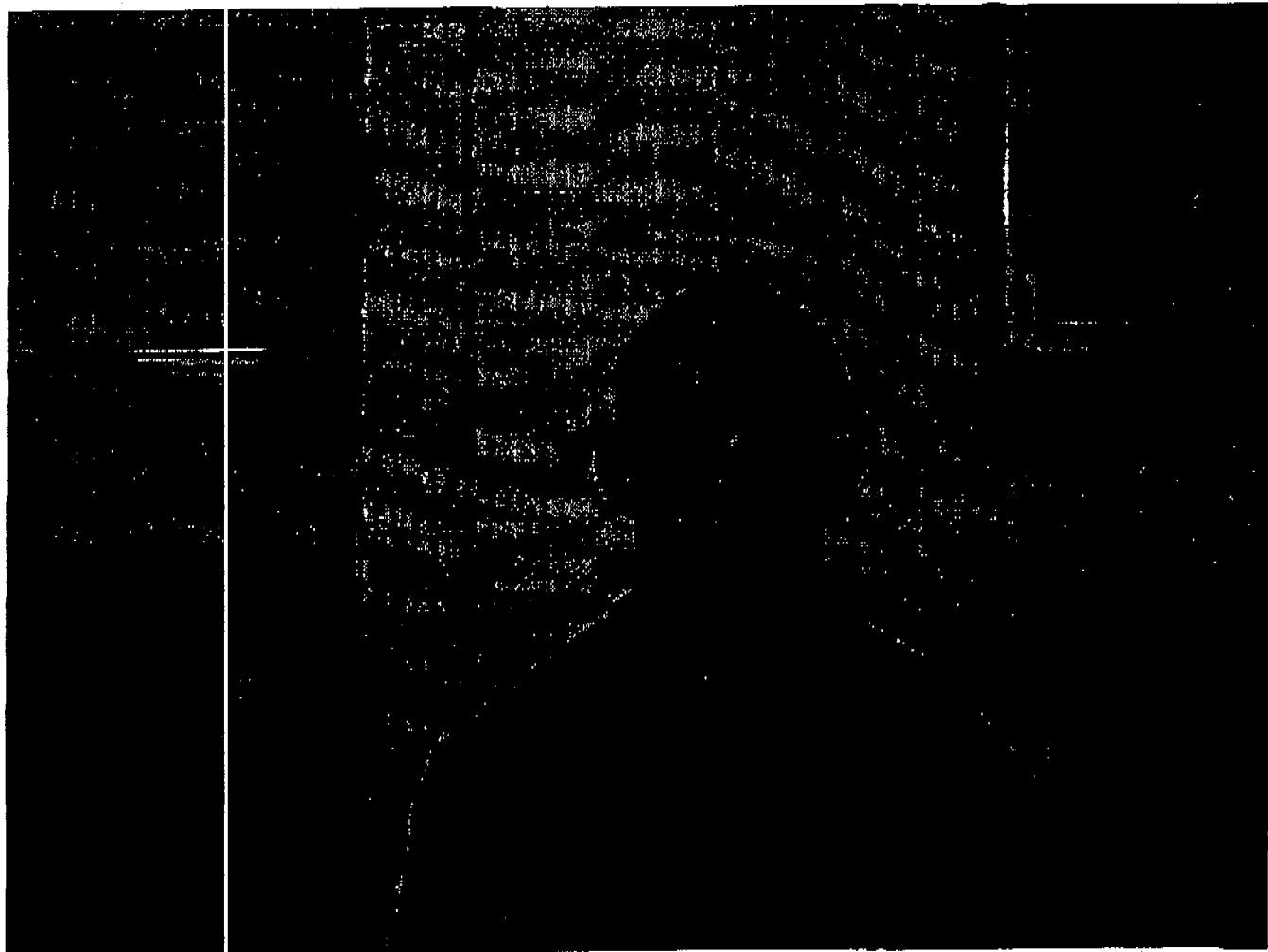
Using explosives in association with criminal organization (6.1) Irrespective of whether a murder is planned and deliberate on the part of a person, murder is first degree murder when the death is caused while committing or attempting to commit an offence under section 81 for the benefit of, at the direction of or in association with a criminal organization.

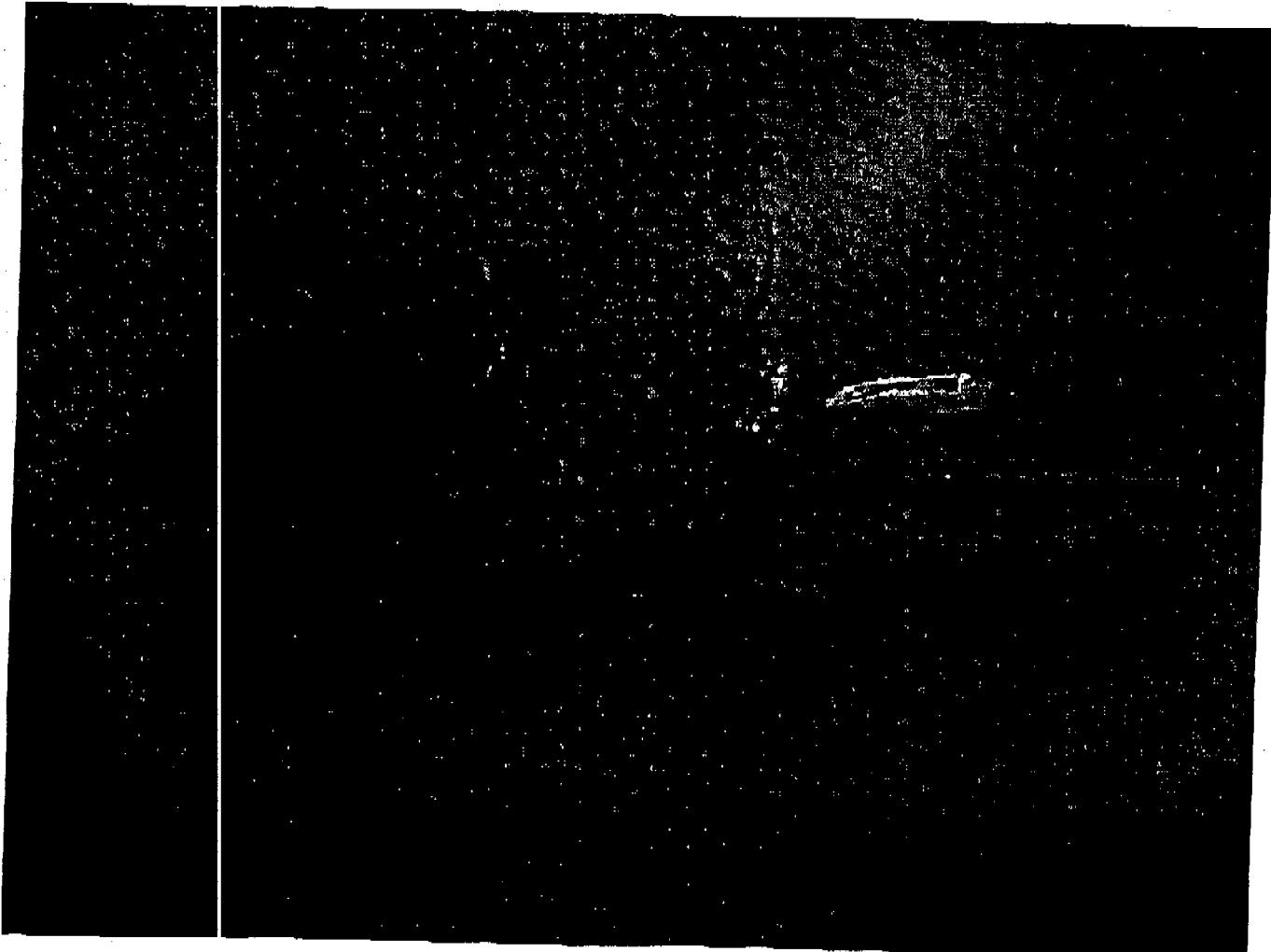
Intimidation (6.2) Irrespective of whether a murder is planned and deliberate on the part of a person, murder is first degree murder when the death is caused while committing or attempting to commit an offence under section 423.1.

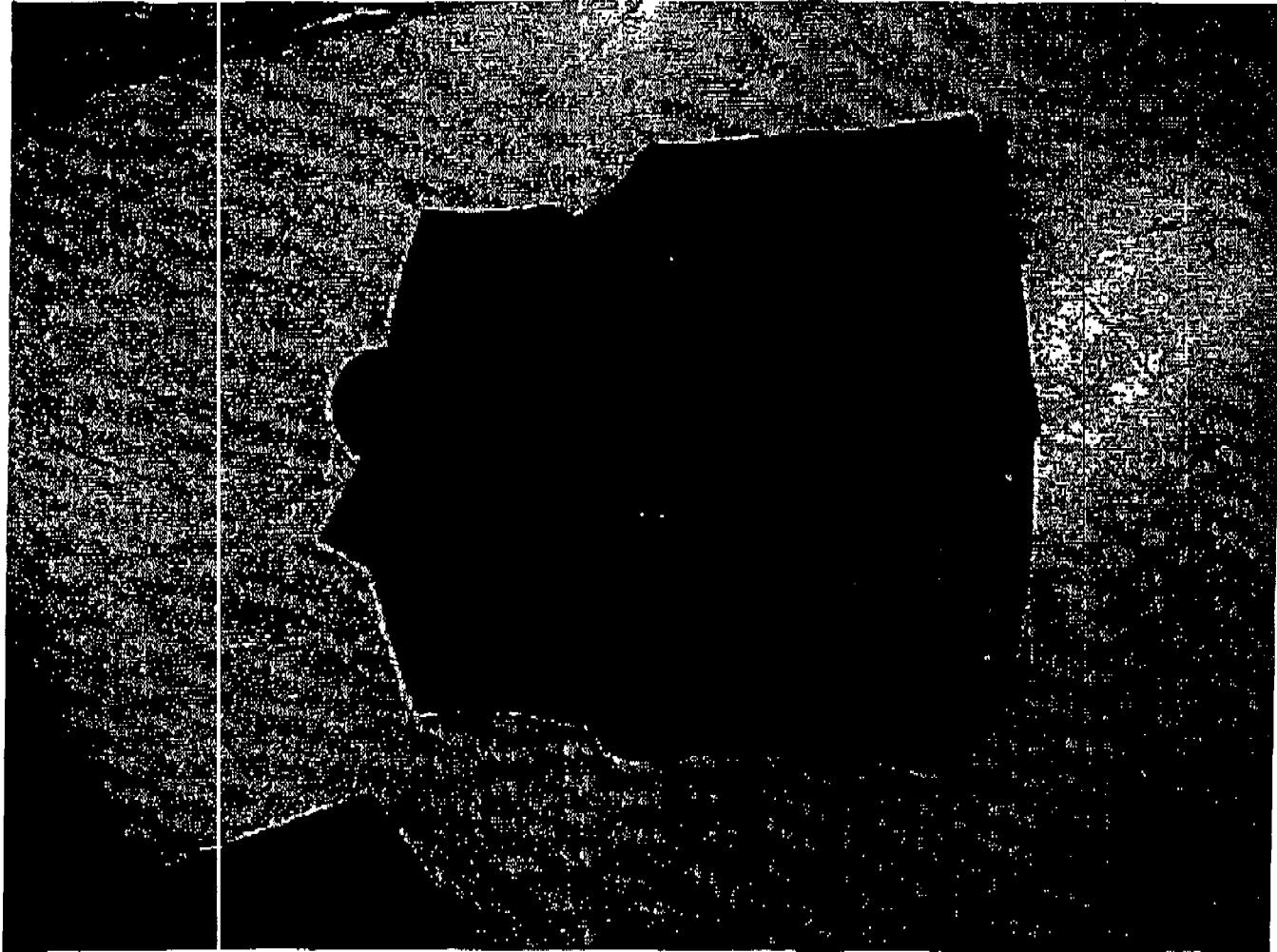
Second degree murder (7) All murder that is not first degree murder is second degree murder.

R.S., 1985, c. C-46, s. 231; R.S., 1985, c. 27 (1st Supp.), ss. 7, 35, 40, 185(F), c. 1 (4th Supp.), s. 18(F); 1997, c. 16, s. 3, c. 23, s. 8; 2001, c. 32, s. 9, c. 41, s. 9.

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| <u>Murder reduced to manslaughter</u> | 232. (1) Culpable homicide that otherwise would be murder may be reduced to manslaughter if the person who committed it did so in the heat of passion caused by sudden provocation. |
| <u>What is provocation</u> | (2) A wrongful act or an insult that is of such a nature as to be sufficient to deprive an ordinary person of the power of self-control is provocation for the purposes of this section if the accused acted on it on the sudden and before there was time for his passion to cool. |
| <u>Questions of fact</u> | (3) For the purposes of this section, the questions (a) whether a particular wrongful act or insult amounted to provocation, and (b) whether the accused was deprived of the power of self-control by the provocation that he alleges he received. |
| | are questions of fact, but no one shall be deemed to have given provocation to another by doing anything that he had a legal right to do, or by doing anything that the accused incited him to do in order to provide the accused with an excuse for causing death or bodily harm to any human being. |
| <u>Death during illegal arrest</u> | (4) Culpable homicide that otherwise would be murder is not necessarily manslaughter by reason only that it was committed by a person who was being arrested illegally, but the fact that the illegality of the arrest was known to the accused may be evidence of provocation for the purpose of this section. |
| | R.S., c. C-34, s. 215. |
| <u>Infanticide</u> | 233. A female person commits infanticide when by a wilful act or omission she causes the death of her newly-born child, if at the time of the act or omission she is not fully recovered from the effects of giving birth to the child and by reason thereof or of the effect of lactation consequent on the birth of the child her mind is then disturbed. |
| | R.S., c. C-34, s. 216. |
| <u>Manslaughter</u> | 234. Culpable homicide that is not murder or infanticide is manslaughter. |
| | R.S., c. C-34, s. 217. |
| <u>Punishment for murder</u> | 235. (1) Every one who commits first degree murder or second degree murder is guilty of an indictable offence and shall be sentenced to imprisonment for life. |
| <u>Minimum punishment</u> | (2) For the purposes of Part XXIII, the sentence of imprisonment for life prescribed by this section is a minimum punishment. |
| | R.S., c. C-34, s. 218; 1973-74, c. 38, s. 5; 1974-75-76, c. |









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